

Appln. No. 10/805,820
Amendment dated September 30, 2008
Reply to Office Action mailed August 11, 2008

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claims 1 through 3, 5 through 12, 14 through 28 and 30 through 35 remain in this application. Claims 4, 13 and 29 have been cancelled. No claims have been withdrawn or added.

Paragraph 1 of the Office Action

Claims 30 through 35 have been rejected under 35 U.S.C. §102(e) as being anticipated by Aggarwal.

Claim 30 requires, in part, "detecting a change in proximity of a user of an IM client". It is contended in the rejection of claim 30 that:

detecting a change in proximity of a user of an IM client
[Property notification subscriptions allow for messages to be
generated and forwarded by a remote device when certain triggering
conditions are met, column 13, lines 20-32]

However, it is submitted that even if the summary in this quote of the disclosure of the Aggarwal patent is accurate (which is not conceded), that would not disclose to one of ordinary skill in the art the claim requirement of "detecting a change in proximity of a user". It is submitted that the Aggarwal patent does not disclose or suggest that one of the "certain triggering conditions" is proximity or is related to proximity. Looking to col. 13, lines 20 through 34 of the Aggarwal patent, it states there that:

Property notification subscriptions allow for messages to be generated and forwarded by a remote device when certain triggering conditions are met. The triggering condition may be, for example, a property change associated with the remote device. The properties can

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be as varied as the online status of the client, the value of a stock, the physical condition of a person monitored with medical equipment, the amount of product with which a vending machine is stocked, or any other measurable condition that might be imagined. Thus, the invention enables event-driven notifications to be instantly communicated from one network to another, even if one or both of the networks are protected by firewalls.

It is submitted that one of ordinary skill in the art would not read this portion of the Aggarwal patent and arrive at the requirement of claim 30 set forth above. While there is mention here of "certain triggering conditions", and "any other measurable condition that might be imagined", these broad and highly generalized statements do not disclose or suggest the more specific requirement of "detecting a change in proximity of a user" as recited in the claim. Moreover, the "physical condition of a person monitored with medical equipment" does not suggest to one of ordinary skill in the art "detecting change in proximity of a user".

It is therefore submitted that the Aggarwall patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in claim 30, especially with the requirements set forth above, and therefore it is submitted that claim 30 is allowable over the prior art. Further, claims 31 through 33 and 35, which depend from claim 30, and claim 34, which depends from claim 33 also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(e rejection of claim 30 through 35 is therefore respectfully requested.

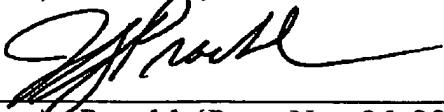
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CONCLUSION

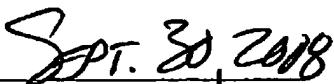
In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



Date:



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